IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.529 OF 2004
IN
NOTICE OF MOTION NO.2534 OF 2002
IN
SUIT NO.3039 OF 2002

Pradeep Mahadeo Sabnis .. Appellant
v/s.

Vithal Gajanan Sabnis & ors. .. Respondents

Ms. Usha Purohit for appellant.

Ms. Trupti Sanghvi i/by Mr.A.J.Bhuta & Associates
for respondents.

CORAM : R.M.LODHA AND
J.P.DEVADHAR, JJ.

DATED : 5th October, 2004

P.C.

Heard.

2. To us it appears that by the impugned order dated 16th July, 2004, the learned motion Judge dismissed the notice of motion in default for want of appearance of the plaintiff. In this view of the matter, we are not inclined to entertain the appeal and the appellant may apply for restoration of the notice of motion No.2534 of 2002.

3. We record the statement of the learned counsel for the original defendant that for a period of one month the said defendant shall not sell, dispose of, alienate or create any third party right or

interest in the said property.

4. The appeal is disposed of accordingly.

(R.M.LODHA, J.)

(J.P. DEVADHAR, J.)